

BS99159

U.S. Application No. 09/966,703 Art Unit 2145  
Response to November 17, 2005 Office Action

### **REMARKS**

In response to the Office Action dated November 17, 2005, the Assignee respectfully requests reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") objected to the drawings. The Office also objected to claims 7, 21, 35, and 49 for informalities. Claims 1-3, 16-17, 30-31, and 44-45 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,515,968 to Combar *et al.* Claims 4-15, 18-29, 32-43, and 46-57 were rejected under 35 U.S.C. § 103 (a) as being obvious over Combar in view of U.S. Patent 6,917,610 to Kung *et al.* The Assignee shows, however, that the pending claims are not anticipated nor obviated by the cited documents. The Assignee thus respectfully submits that the pending claims distinguish over the cited documents.

### **Extension of Time**

Examiner Duong, please note this response includes an extension of time. This response includes a petition to the Commissioner for a one month extension of time from November 17, 2005 to March 17, 2006. The 37 C.F.R. § 1.17 (a)(1) large entity fee accompanies this petition.

### **Objection to the Drawings**

The Office objected to the originally-submitted informal drawings. This response herewith includes formal drawings that fully comply with § 1.81.

### **Objection to Claims**

The Office objected to claims 7, 21, 35, and 49 for the term "canned." These claims, however, have been amended and no longer contain the term. The objection is thus moot.

BS99159

U.S. Application No. 09/966,703 Art Unit 2145  
Response to November 17, 2005 Office Action

### **Rejections under § 102**

Claims 1-3, 16-17, 30-31, and 44-45 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,515,968 to Combar *et al.* A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). As the Assignee shows, the pending claims patentably distinguish over Combar. The reference to Combar *et al.* does not anticipate the claims, so the Assignee respectfully requests that Examiner Doung remove the 35 U.S.C. § 102 (e) rejection.

The independent claims all recite features not disclosed by Combar. Claim 1, for example, recites "*receiving data from the telecommunications manager and from the gateway regarding voicemail messages received by, and recorded by, the user.*" Additional data is then received "*from the gateway regarding all electronic communications sent and received by the user.*" Support for such features may be found at least at page 48, lines 5-13 of this patent application. A "clean" version of independent claim 1 is reproduced below, and independent claims 16, 30, and 44 recite similar features.

I. (Currently Amended) A method for managing communications of a user, comprising:

communicating with a telecommunications manager in a telecommunications network and with a gateway in a data network regarding communications of a user;

receiving data from the telecommunications manager and from the gateway regarding voicemail messages received by, and recorded by, the user;

receiving additional data from the gateway regarding all electronic communications sent and received by the user;

making the data, the additional data, and received communications available to the user pursuant to preferences of the user; and

causing information related to the data and the received communications to be made available to the user.

BS99159

U.S. Application No. 09/966,703 Art Unit 2145  
Response to November 17, 2005 Office Action

Because *Combar* is completely silent to such features, the patent to *Combar et al.* cannot anticipate claims 1-3, 16-17, 30-31, and 44-45. The Office is thus required to remove the rejection.

### **Rejection of Claims under § 103**

Claims 4-15, 18-29, 32-43, and 46-57 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Combar* in view of U.S. Patent 6,917,610 to Kung *et al.* If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires “some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill”; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter “M.P.E.P.”).

Claims 4-15, 18-29, 32-43, and 46-57 are not obvious. These claims all depend from their respective independent claim and, thus, incorporate the same distinguishing features. As the above paragraph explains, claim 1, for example, recites “receiving data from the telecommunications manager and from the gateway regarding voicemail messages received by, and recorded by, the user.” Because the proposed combination of *Combar* and *Kung* fails to teach or suggest at least these features, one of ordinary skill in the art would not think the claims obvious. The *prima facie* case for obviousness must fail, so the Office is required to remove the rejection.

Moreover, claims 7, 21, 35, and 49 additionally recite features not disclosed or suggested. These claims, for example, recite “storing an address entry in an electronic address book, the address entry comprising information about a communicating partner, with the entry including a field for a date and date information; and interacting with an electronic calendar to create a calendar entry, the calendar entry corresponding with the date and date information.” As these claims additionally recite, “whereby the date information from the address entry in the electronic

BS99159

U.S. Application No. 09/966,703 Art Unit 2145  
Response to November 17, 2005 Office Action

*address book appears on the corresponding date in the electronic calendar when the user views the calendar.*" Because the proposed combination of *Combar* and *Kung* fails to teach or suggest at least these features, one of ordinary skill in the art would not think the claims obvious. The *prima facie* case for obviousness must fail, so the Office is required to remove the rejection.

Claims 2 and 17 additionally recite distinguishing features. These claims recite "*accessing a service provider's records that list new wireless customers, obtaining data related to the user's new wireless service, and updating information about the user with the data related to the user's new wireless service.*" Because the proposed combination of *Combar* and *Kung* fails to teach or suggest at least these features, one of ordinary skill in the art would not think the claims obvious. The *prima facie* case for obviousness must fail, so the Office is required to remove the rejection.

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If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,



Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390